

REMARKS/ARGUMENTS

Claims 15-28 are pending in this application.

Applicant appreciates the Examiner's indication that Claim 21 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Applicant filed an Information Disclosure Statement in the Patent Office on April 21, 2006. However, a copy of the Form PTO-1449 was not included in the outstanding Office Action. Applicant respectfully requests that the Examiner consider the IDS filed on April 21, 2006 and include a copy of the initialed and signed Form PTO-1449 in the next Office Action.

The drawings were objected to for allegedly not showing every feature of the invention specified in the claims. Particularly, the Examiner alleged, "The transmit and receiving filter[s] are shown but the filters using the respective second harmonic and fundamental waves are not shown." Applicant respectfully traverses this objection.

The specific types of waves that are used or generated in the branching filter recited in claims 15-28 cannot possibly be shown in the drawings because these waves are acoustic waves which are generated as a result of the structure of the branching filters. The second harmonic and fundamental waves are clearly not structural elements of the branching filter which could or should be shown in the drawings, but rather are merely functions of the branching filter which cannot be shown in the drawings.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

Claims 15-17, 22-24, 26, and 28 were rejected under 35 U.S.C. § 102(e) as being anticipated by Fujino et al. (U.S. 6,897,740). Claims 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino et al. in view of Bradley (U.S. 6,262,637). Claims 25 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino et al. in view of Takeuchi et al. (U.S. 7,002,437). Applicant respectfully traverses the rejections of Claim 15-20 and 22-28.

Application No. 10/520,015
September 1, 2006
Reply to the Office Action dated May 8, 2006
Page 6 of 6

The filing date of October 8, 2003 of Fujino et al. (U.S. 6,897,740) is after the filing dates of November 8, 2002 and September 5, 2003 of Japanese Application Nos. 2002-325672 and 2003-314626, respectively, from which the present application claims priority. Applicant encloses herewith certified translations of Japanese Application Nos. 2002-325672 and 2003-314626. Therefore, Applicant respectfully submits that Fujino et al. is disqualified as prior art in the present application.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 15 under 35 U.S.C. § 102(e) as being anticipated by Fujino et al.

In view of the foregoing remarks, Applicant respectfully submits that Claim 15 is allowable. Claims 16-28 depend upon Claim 15, and are therefore allowable for at least the reasons that Claim 15 is allowable.

In view of the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

To the extent necessary, Applicant petitions the Commissioner for a One-Month Extension of Time, extending to September 8, 2006, the period for response to the Office Action dated May 8, 2006.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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